UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CAPITOL RECORDS INC.; SONY BMG MUSIC ENTERTAINMENT; ARISTA RECORDS LLC; INTERSCOPE RECORDS; WARNER BROS. RECORDS INC.; and **UMG RECORDINGS INC.**, *Plaintiffs*, v. **JAMMIE THOMAS**, *Defendants*.	Case No. 06-cv-1497 (MJD/RLE) Special Verdict Form

VERDICT FORM

We, the jury impaneled in this matter, hereby answer the Special Verdict questions put to us as follows:

Capitol Records Inc.

1. Did plaintiff Capitol Records Inc. own the copyright to the following sound recording?

   Richard Marx, "Now and Forever":

   YES _____________ NO ____________

   If you answered this question yes, proceed to question (2). Otherwise, skip to question (10).

2. Did defendant Jammie Thomas infringe Capitol Records Inc.'s copyright in the following sound recording by either copying the work or distributing the work to a third person without a license to do so?

   Richard Marx, "Now and Forever":

   Copying without a license:

   YES _____________ NO ____________

Distribution to a third party without a license:

YES ______________ NO _____________

3. If you answered question (2) yes with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found in your answer to question (2) constitute "fair use?"

Richard Marx, "Now and Forever":

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

4. If you answered question (3) no with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found did not constitute fair use in your answer to question (3) substantially harm plaintiff Capitol Records Inc. or would it, if widespread, substantially and adversely affect the market for the sound recording in question?

Richard Marx, "Now and Forever":

Copying:

YES ______________ NO _____________

Distribution:

YES ______________ NO _____________

If you answered this question yes with respect to any part, proceed to question (5). Otherwise, skip to question (10).

5. Was defendant Jammie Thomas an innocent infringer of Capitol Records Inc.'s copyright in each of the following sound recordings? In other words, was she unaware and did she have no reason to believe that her acts as to which you answered yes in question (4) constituted copyright infringement?

Richard Marx, "Now and Forever":

YES ______________ NO _____________

If you answered yes to this question, then skip to question (7). Otherwise, proceed to question (6).

6. Was defendant Jammie Thomas a willful infringer of Capitol Records Inc.'s copyright in each of the following sound recordings? In other words, did she intentionally and deliberately intend to infringe Capitol Records Inc.'s copyright in each of the following sound recordings?

Richard Marx, "Now and Forever":

YES _____________ NO ____________

If you answered yes to this question, then skip to question (8). Otherwise, skip to question (9)

7. What total amount of statutory damages in dollars do you award plaintiff Capitol Record Inc. for the acts of infringement found by you in your answer to question (4) for each of Capitol Record Inc's copyrighted sound recordings?

Amount of Damages _____________ ($200 - $30,000)

If you answered this question, then skip to question (10).

8. What total amount of statutory damages in dollars do you award plaintiff Capitol Record Inc. for the acts of infringement found by you in your answer to question (4) for each of Capitol Record Inc's copyrighted sound recordings?

Amount of Damages _____________ ($750 - $150,000)

If you answered this question, then skip to question (10).

9. What total amount of statutory damages in dollars do you award plaintiff Capitol Record Inc. for the acts of infringement found by you in your answer to question (4) for each of Capitol Record Inc's copyrighted sound recordings?

Amount of Damages _____________ ($750 - $30,000)

Sony BMG Music Entertainment

10. Did plaintiff Sony BMG Music Entertainment own the copyright to each of the following sound recordings?

Destiny's Child, "Bills, Bills, Bills":

YES _____________ NO ____________

Journey, “Don’t Stop Believin’”:

YES _____________ NO ____________

Journey, “Faithfully”:

YES _____________ NO ____________

Gloria Estefan, “Coming Out of the Dark”

YES _____________ NO ____________

Gloria Estefan, “Here We Are”

YES _____________ NO ____________

Gloria Estefan, “Rhythm Is Gonna Get You”

YES _____________ NO ____________

If you answered yes to any part of this question, proceed to question (11). Otherwise, skip to question (19).

11. Answer this question for each sound recording for which you answered yes in question (10). Did defendant Jammie Thomas infringe Sony BMG Music Entertainment’s copyright in each of the following sound recordings by either copying the work or distributing the work to a third person without a license to do so?

Destiny’s Child, “Bills, Bills, Bills”:

Copying without a license:

YES _____________ NO ____________

Distribution to a third party without a license:

YES _____________ NO ____________

Journey, “Don’t Stop Believin’”:

Copying without a license:

YES _____________ NO ____________

Distribution to a third party without a license:

YES ______________ NO _____________

Journey, “Faithfully”:

Copying without a license:

YES ______________ NO _____________

Distribution to a third party without a license:

YES ______________ NO _____________

Gloria Estefan, “Coming Out of the Dark”

Copying without a license:

YES ______________ NO _____________

Distribution to a third party without a license:

YES ______________ NO _____________

Gloria Estefan, “Here We Are”

Copying without a license:

YES ______________ NO _____________

Distribution to a third party without a license:

YES ______________ NO _____________

Gloria Estefan, “Rhythm Is Gonna Get You”

Copying without a license:

YES ______________ NO _____________

Distribution to a third party without a license:

YES ______________ NO _____________

12. If you answered question (11) yes with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found in your answer to question (11) constitute “fair use?”

Destiny's Child, "Bills Bills Bills":

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

Journey, "Don't Stop Believin'":

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

Journey, "Faithfully":

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

Gloria Estefan, "Coming Out of the Dark"

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

Gloria Estefan, "Here We Are"

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

Gloria Estefan, “Rhythm Is Gonna Get You”

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

13. If you answered question (12) no with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found did not constitute fair use in your answer to question (12) substantially harm plaintiff Sony BMG Music Entertainment or would it, if widespread, substantially and adversely affect the market for the sound recording in question?

Destiny’s Child, “Bills, Bills, Bills”:

Copying:

YES ______________ NO _____________

Distribution:

YES ______________ NO _____________

Journey, “Don’t Stop Believin’”:

Copying:

YES ______________ NO _____________

Distribution:

YES ______________ NO _____________

Journey, “Faithfully”:

Copying:

YES ______________ NO _____________

Distribution:

YES _____________ NO ____________

Gloria Estefan, "Coming Out of the Dark"

Copying:

YES _____________ NO ____________

Distribution:

YES _____________ NO ____________

Gloria Estefan, "Here We Are"

Copying:

YES _____________ NO ____________

Distribution:

YES _____________ NO ____________

Gloria Estefan, "Rhythm Is Gonna Get You"

Copying:

YES _____________ NO ____________

Distribution:

YES _____________ NO ____________

14. If you answered question (13) yes with respect to any part, then answer this question for that sound recording. Was defendant Jammie Thomas an innocent infringer of Sony BMG Music Entertainment's copyright in each of the following sound recordings? In other words, was she unaware and did she have no reason to believe that her acts as to which you answered yes in question (13) constituted copyright infringement?

Destiny's Child, "Bills, Bills, Bills":

YES _____________ NO ____________

Journey, "Don't Stop Believin'":

YES _____________ NO ____________

Journey, "Faithfully":

YES _____________ NO ____________

Gloria Estefan, "Coming Out of the Dark"

YES _____________ NO ____________

Gloria Estefan, "Here We Are"

YES _____________ NO ____________

Gloria Estefan, "Rhythm Is Gonna Get You"

YES _____________ NO ____________

For each sound recording for which you answered this question yes, answer for that sound recording in question (16). For each sound recording for which you answered this question no, answer for that sound recording in question (15).

15. Was defendant Jammie Thomas a willful infringer of Sony BMG Music Entertainment's copyright in each of the following sound recordings? In other words, did she intentionally and deliberately intend to infringe Sony BMG Music Entertainment's copyright in each of the following sound recordings?

Destiny's Child, "Bills, Bills, Bills":

YES _____________ NO ____________

Journey, "Don't Stop Believin'":

YES _____________ NO ____________

Journey, "Faithfully":

YES _____________ NO ____________

Gloria Estefan, "Coming Out of the Dark"

YES _____________ NO ____________

Gloria Estefan, "Here We Are"

YES _____________ NO ____________

Gloria Estefan, “Rhythm Is Gonna Get You”

YES _____________ NO ____________

For each sound recording for which you answered this question yes, answer for that sound recording in question (17). For each sound recording for which you answered this question no, answer for that sound recording in question (18).

16. What total amount of statutory damages in dollars do you award plaintiff Sony BMG Music Entertainment for the acts of infringement found by you in your answer to question (13) for each of Sony BMG Music Entertainment’s copyrighted sound recordings?

Destiny’s Child, “Bills, Bills, Bills”:

Amount of Damages _____________ ($200 - $30,000)

Journey, “Don’t Stop Believin’”:

Amount of Damages _____________ ($200 - $30,000)

Journey, “Faithfully”:

Amount of Damages _____________ ($200 - $30,000)

Gloria Estefan, “Coming Out of the Dark”

Amount of Damages _____________ ($200 - $30,000)

Gloria Estefan, “Here We Are”

Amount of Damages _____________ ($200 - $30,000)

Gloria Estefan, “Rhythm Is Gonna Get You”

Amount of Damages _____________ ($200 - $30,000)

17. What total amount of statutory damages in dollars do you award plaintiff Sony BMG Music Entertainment for the acts of infringement found by you in your answer to question (13) for each of Sony BMG Music Entertainment’s copyrighted sound recordings?

Destiny’s Child, “Bills, Bills, Bills”:

Amount of Damages _____________ ($750 - $150,000)

Journey, “Don’t Stop Believin’”:

Amount of Damages _____________ ($750 - $150,000)

Journey, “Faithfully”:

Amount of Damages _____________ ($750 - $150,000)

Gloria Estefan, “Coming Out of the Dark”

Amount of Damages _____________ ($750 - $150,000)

Gloria Estefan, “Here We Are”

Amount of Damages _____________ ($750 - $150,000)

Gloria Estefan, “Rhythm Is Gonna Get You”

Amount of Damages _____________ ($750 - $150,000)

18. What total amount of statutory damages in dollars do you award plaintiff Sony BMG Music Entertainment for the acts of infringement found by you in your answer to question (13) for each of Sony BMG Music Entertainment’s copyrighted sound recordings?

Destiny’s Child, “Bills, Bills, Bills”:

Amount of Damages _____________ ($750 - $30,000)

Journey, “Don’t Stop Believin’”:

Amount of Damages _____________ ($750 - $30,000)

Journey, “Faithfully”:

Amount of Damages _____________ ($750 - $30,000)

Gloria Estefan, “Coming Out of the Dark”

Amount of Damages _____________ ($750 - $30,000)

Gloria Estefan, “Here We Are”

Amount of Damages _____________ ($750 - $30,000)

Gloria Estefan, “Rhythm Is Gonna Get You”

Amount of Damages _____________ ($750 - $30,000)

Arista Records LLC

19. Did plaintiff Arista Records LLC own the copyright to each of the following sound recordings?

Sarah McLachlan, “Building a Mystery”:

YES _____________ NO ____________

Sarah McLachlan, “Possession”:

YES _____________ NO ____________

If you answered yes to any part of this question, proceed to question (20). Otherwise, skip to question (28).

20. Answer this question for each sound recording for which you answered yes in question (19). Did defendant Jammie Thomas infringe Arista Records LLC’s copyright in each of the following sound recordings by either copying the work or distributing the work to a third person without a license to do so?

Sarah McLachlan, “Building a Mystery”:

Copying without a license:

YES _____________ NO ____________

Distribution to a third party without a license:

YES _____________ NO ____________

Sarah McLachlan, “Possession”:

Copying without a license:

YES _____________ NO ____________

Distribution to a third party without a license:

YES _____________ NO ____________

21. If you answered question (20) yes with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found in your answer to question (20) constitute "fair use?"

Sarah McLachlan, "Building a Mystery":

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

Sarah McLachlan, "Possession":

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

22. If you answered question (21) no with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found did not constitute fair use in your answer to question (21) substantially harm plaintiff Arista Records LLC or would it, if widespread, substantially and adversely affect the market for the sound recording in question?

Sarah McLachlan, "Building a Mystery":

Copying:

YES ______________ NO _____________

Distribution:

YES ______________ NO _____________

Sarah McLachlan, "Possession":

Copying:

YES _____________ NO ____________

Distribution:

YES _____________ NO ____________

23. If you answered question (22) yes with respect to any part, then answer this question for that sound recording. Was defendant Jammie Thomas an innocent infringer of Arista Records LLC's copyright in each of the following sound recordings? In other words, was she unaware and did she have no reason to believe that her acts as to which you answered yes in question (22) constituted copyright infringement?

Sarah McLachlan, "Building a Mystery":

YES _____________ NO ____________

Sarah McLachlan, "Possession":

YES _____________ NO ____________

For each sound recording for which you answered this question yes, answer for that sound recording in question (25). For each sound recording for which you answered this question no, answer for that sound recording in question (24).

24. Was defendant Jammie Thomas a willful infringer of Arista Records LLC's copyright in each of the following sound recordings? In other words, did she intentionally and deliberately intend to infringe Arista Records LLC's copyright in each of the following sound recordings?

Sarah McLachlan, "Building a Mystery":

YES _____________ NO ____________

Sarah McLachlan, "Possession":

YES _____________ NO ____________

For each sound recording for which you answered this question yes, answer for that sound recording in question (26). For each sound recording for which you answered this question no, answer for that sound recording in question (27).

25. What total amount of statutory damages in dollars do you award plaintiff Arista Records LLC for the acts of infringement found by you in your answer to question (22) for each of Arista Records LLC's copyrighted sound recordings?

Sarah McLachlan, “Building a Mystery”:

Amount of Damages _____________ ($200 - $30,000)

Sarah McLachlan, “Possession”:

Amount of Damages _____________ ($200 - $30,000)

26. What total amount of statutory damages in dollars do you award plaintiff Arista Records LLC for the acts of infringement found by you in your answer to question (22) for each of Arista Records LLC’s copyrighted sound recordings?

Sarah McLachlan, “Building a Mystery”:

Amount of Damages _____________ ($750 - $150,000)

Sarah McLachlan, “Possession”:

Amount of Damages _____________ ($750 - $150,000)

27. What total amount of statutory damages in dollars do you award plaintiff Arista Records LLC for the acts of infringement found by you in your answer to question (22) for each of Arista Records LLC’s copyrighted sound recordings?

Sarah McLachlan, “Building a Mystery”:

Amount of Damages _____________ ($750 - $30,000)

Sarah McLachlan, “Possession”:

Amount of Damages _____________ ($750 - $30,000)

Interscope Records

28. Did plaintiff Interscope Records own the copyright to each of the following sound recordings?

No Doubt, “Bathwater”:

YES _____________ NO ____________

No Doubt, “Different People”:

YES _____________ NO ____________

No Doubt, “Hella Good”:

YES _____________ NO ____________

If you answered yes to any part of this question, proceed to question (29). Otherwise, skip to question (37).

29. Answer this question for each sound recording for which you answered yes in question (28). Did defendant Jammie Thomas infringe Interscope Records' copyright in each of the following sound recordings by either copying the work or distributing the work to a third person without a license to do so?

No Doubt, “Bathwater”:

Copying without a license:

YES _____________ NO ____________

Distribution to a third party without a license:

YES _____________ NO ____________

No Doubt, “Different People”:

Copying without a license:

YES _____________ NO ____________

Distribution to a third party without a license:

YES _____________ NO ____________

No Doubt, “Hella Good”:

Copying without a license:

YES _____________ NO ____________

Distribution to a third party without a license:

YES _____________ NO ____________

30. If you answered question (29) yes with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found in your answer to question (29) constitute “fair use?”

No Doubt, "Bathwater":

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

No Doubt, "Different People":

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

No Doubt, "Hella Good":

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

31. If you answered question (30) no with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found did not constitute fair use in your answer to question (30) substantially harm plaintiff Interscope Records or would it, if widespread, substantially and adversely affect the market for the sound recording in question?

No Doubt, "Bathwater":

Copying:

YES ______________ NO _____________

Distribution:

YES ______________ NO _____________

No Doubt, “Different People”:

Copying:

YES _____________ NO ____________

Distribution:

YES _____________ NO ____________

No Doubt, “Hella Good”:

Copying:

YES _____________ NO ____________

Distribution:

YES _____________ NO ____________

32. If you answered question (31) yes with respect to any part, then answer this question for that sound recording. Was defendant Jammie Thomas an innocent infringer of Interscope Records’ copyright in each of the following sound recordings? In other words, was she unaware and did she have no reason to believe that her acts as to which you answered yes in question (31) constituted copyright infringement?

No Doubt, “Bathwater”:

YES _____________ NO ____________

No Doubt, “Different People”:

YES _____________ NO ____________

No Doubt, “Hella Good”:

YES _____________ NO ____________

For each sound recording for which you answered this question yes, answer for that sound recording in question (34). For each sound recording for which you answered this question no, answer for that sound recording in question (33).

33. Was defendant Jammie Thomas a willful infringer of Interscope Records’ copyright in each of the following sound recordings? In other words, did she

intentionally and deliberately intend to infringe Interscope Records' copyright in each of the following sound recordings?

No Doubt, "Bathwater":

YES ______________ NO _____________

No Doubt, "Different People":

YES ______________ NO _____________

No Doubt, "Hella Good":

YES ______________ NO _____________

For each sound recording for which you answered this question yes, answer for that sound recording in question (35). For each sound recording for which you answered this question no, answer for that sound recording in question (36).

34. What total amount of statutory damages in dollars do you award plaintiff Interscope Records for the acts of infringement found by you in your answer to question (31) for each of Interscope Records' copyrighted sound recordings?

No Doubt, "Bathwater":

Amount of Damages ______________ ($200 - $30,000)

No Doubt, "Different People":

Amount of Damages ______________ ($200 - $30,000)

No Doubt, "Hella Good":

Amount of Damages ______________ ($200 - $30,000)

35. What total amount of statutory damages in dollars do you award plaintiff Interscope Records for the acts of infringement found by you in your answer to question (31) for each of Interscope Records' copyrighted sound recordings?

No Doubt, "Bathwater":

Amount of Damages ______________ ($750 - $150,000)

No Doubt, "Different People":

Amount of Damages ______________ ($750 - $150,000)

No Doubt, “Hella Good”:

Amount of Damages _____________ ($750 - $150,000)

36. What total amount of statutory damages in dollars do you award plaintiff Interscope Records for the acts of infringement found by you in your answer to question (31) for each of Interscope Records’ copyrighted sound recordings?

No Doubt, “Bathwater”:

Amount of Damages _____________ ($750 - $30,000)

No Doubt, “Different People”:

Amount of Damages _____________ ($750 - $30,000)

No Doubt, “Hella Good”:

Amount of Damages _____________ ($750 - $30,000)

Warner Bros. Records Inc.

37. Did plaintiff Warner Bros. Records Inc. own the copyright to each of the following sound recordings?

Goo Goo Dolls, “Iris”:

YES _____________ NO ____________

Green Day, “Basket Case”:

YES _____________ NO ____________

Linkin Park, “One Step Closer”:

YES _____________ NO ____________

If you answered yes to any part of this question, proceed to question (38). Otherwise, skip to question (46).

38. Answer this question for each sound recording for which you answered yes in question (37). Did defendant Jammie Thomas infringe Warner Bros. Records Inc.’s copyright in each of the following sound recordings by either copying the work or distributing the work to a third person without a license to do so?

Goo Goo Dolls, “Iris”:

Copying without a license:

YES ______________ NO _____________

Distribution to a third party without a license:

YES ______________ NO _____________

Green Day, “Basket Case”:

Copying without a license:

YES ______________ NO _____________

Distribution to a third party without a license:

YES ______________ NO _____________

Linkin Park, “One Step Closer”:

Copying without a license:

YES ______________ NO _____________

Distribution to a third party without a license:

YES ______________ NO _____________

39. If you answered question (38) yes with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found in your answer to question (38) constitute “fair use?”

Goo Goo Dolls, “Iris”:

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

Green Day, “Basket Case”:

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

Linkin Park, “One Step Closer”:

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

40. If you answered question (39) no with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found did not constitute fair use in your answer to question (39) substantially harm plaintiff Warner Bros. Records Inc. or would it, if widespread, substantially and adversely affect the market for the sound recording in question?

Goo Goo Dolls, “Iris”:

Copying:

YES ______________ NO _____________

Distribution:

YES ______________ NO _____________

Green Day, “Basket Case”:

Copying:

YES ______________ NO _____________

Distribution:

YES ______________ NO _____________

Linkin Park, “One Step Closer”:

Copying:

YES _____________ NO ____________

Distribution:

YES _____________ NO ____________

41. If you answered question (40) yes with respect to any part, then answer this question for that sound recording. Was defendant Jammie Thomas an innocent infringer of Warner Bros. Records Inc.'s copyright in each of the following sound recordings? In other words, was she unaware and did she have no reason to believe that her acts as to which you answered yes in question (40) constituted copyright infringement?

Goo Goo Dolls, "Iris":

YES _____________ NO ____________

Green Day, "Basket Case":

YES _____________ NO ____________

Linkin Park, "One Step Closer":

YES _____________ NO ____________

For each sound recording for which you answered this question yes, answer for that sound recording in question (43). For each sound recording for which you answered this question no, answer for that sound recording in question (42).

42. Was defendant Jammie Thomas a willful infringer of Warner Bros. Records Inc.'s copyright in each of the following sound recordings? In other words, did she intentionally and deliberately intend to infringe Warner Bros. Records Inc.'s copyright in each of the following sound recordings?

Goo Goo Dolls, "Iris":

YES _____________ NO ____________

Green Day, "Basket Case":

YES _____________ NO ____________

Linkin Park, "One Step Closer":

YES _____________ NO ____________

For each sound recording for which you answered this question yes, answer for that sound recording in question (44). For each sound recording for which you answered this question no, answer for that sound recording in question (45).

43. What total amount of statutory damages in dollars do you award plaintiff Warner Bros. Records Inc. for the acts of infringement found by you in your answer to question (40) for each of Warner Bros. Records Inc.'s copyrighted sound recordings?

Goo Goo Dolls, "Iris":

Amount of Damages _____________ ($200 - $30,000)

Green Day, "Basket Case":

Amount of Damages _____________ ($200 - $30,000)

Linkin Park, "One Step Closer":

Amount of Damages _____________ ($200 - $30,000)

44. What total amount of statutory damages in dollars do you award plaintiff Warner Bros. Records Inc. for the acts of infringement found by you in your answer to question (40) for each of Warner Bros. Records Inc.'s copyrighted sound recordings?

Goo Goo Dolls, "Iris":

Amount of Damages _____________ ($750 - $150,000)

Green Day, "Basket Case":

Amount of Damages _____________ ($750 - $150,000)

Linkin Park, "One Step Closer":

Amount of Damages _____________ ($750 - $150,000)

45. What total amount of statutory damages in dollars do you award plaintiff Warner Bros. Records Inc. for the acts of infringement found by you in your answer to question (40) for each of Warner Bros. Records Inc.'s copyrighted sound recordings?

Goo Goo Dolls, “Iris”:

Amount of Damages _____________ ($750 - $30,000)

Green Day, “Basket Case”:

Amount of Damages _____________ ($750 - $30,000)

Linkin Park, “One Step Closer”:

Amount of Damages _____________ ($750 - $30,000)

UMG Recordings, Inc.

46. Did plaintiff UMG Recordings, Inc. own the copyright to each of the following sound recordings?

Aerosmith, “Cryin’”:

YES _____________ NO ____________

Bryan Adams, “Somebody”:

YES _____________ NO ____________

Def Leppard, “Pour Some Sugar On Me”:

YES _____________ NO ____________

Guns N Roses, “November Rain”:

YES _____________ NO ____________

Guns N Roses, “Welcome to the Jungle”:

YES _____________ NO ____________

Janet Jackson, “Let’s Wait Awhile”:

YES _____________ NO ____________

Reba McEntire, “One Honest Heart”:

YES _____________ NO ____________

Sheryl Crow, "Run, Baby, Run":

YES _____________ NO ____________

Vanessa Williams, "Save the Best for Last":

YES _____________ NO ____________

If you answered yes to any part of this question, proceed to question (47). Otherwise, you are finished with these questions.

47. Answer this question for each sound recording for which you answered yes in question (46). Did defendant Jammie Thomas infringe UMG Recordings, Inc.'s copyright in each of the following sound recordings by either copying the work or distributing the work to a third person without a license to do so?

Aerosmith, "Cryin'":

Copying without a license:

YES _____________ NO ____________

Distribution to a third party without a license:

YES _____________ NO ____________

Bryan Adams, "Somebody":

Copying without a license:

YES _____________ NO ____________

Distribution to a third party without a license:

YES _____________ NO ____________

Def Leppard, "Pour Some Sugar On Me":

Copying without a license:

YES _____________ NO ____________

Distribution to a third party without a license:

YES _____________ NO ____________

Guns N Roses, “November Rain”:

Copying without a license:

YES _____________ NO ____________

Distribution to a third party without a license:

YES _____________ NO ____________

Guns N Roses, “Welcome to the Jungle”:

Copying without a license:

YES _____________ NO ____________

Distribution to a third party without a license:

YES _____________ NO ____________

Janet Jackson, “Let’s Wait Awhile”:

Copying without a license:

YES _____________ NO ____________

Distribution to a third party without a license:

YES _____________ NO ____________

Reba McEntire, “One Honest Heart”:

Copying without a license:

YES _____________ NO ____________

Distribution to a third party without a license:

YES _____________ NO ____________

Sheryl Crow, “Run, Baby, Run”:

Copying without a license:

YES _____________ NO ____________

Distribution to a third party without a license:

YES ______________ NO _____________

Vanessa Williams, “Save the Best for Last”:

Copying without a license:

YES ______________ NO _____________

Distribution to a third party without a license:

YES ______________ NO _____________

48. If you answered question (47) yes with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found in your answer to question (47) constitute “fair use?”

Aerosmith, “Cryin’”:

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

Bryan Adams, “Somebody”:

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

Def Leppard, “Pour Some Sugar On Me”:

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

Guns N Roses, "November Rain":

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

Guns N Roses, "Welcome to the Jungle":

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

Janet Jackson, "Let's Wait Awhile":

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

Reba McEntire, "One Honest Heart":

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

Sheryl Crow, "Run, Baby, Run":

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

Vanessa Williams, "Save the Best for Last":

Copying was fair use:

YES ______________ NO _____________

Distribution was fair use:

YES ______________ NO _____________

49. If you answered question (48) no with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found did not constitute fair use in your answer to question (48) substantially harm plaintiff UMG Recordings, Inc. or would it, if widespread, substantially and adversely affect the market for the sound recording in question?

Aerosmith, "Cryin'":

Copying:

YES ______________ NO _____________

Distribution:

YES ______________ NO _____________

Bryan Adams, "Somebody":

Copying:

YES ______________ NO _____________

Distribution:

YES ______________ NO _____________

Def Leppard, "Pour Some Sugar On Me":

Copying:

YES ______________ NO _____________

Distribution:

YES ______________ NO _____________

Guns N Roses, “November Rain”:

Copying:

YES ______________ NO _____________

Distribution:

YES ______________ NO _____________

Guns N Roses, “Welcome to the Jungle”:

Copying:

YES ______________ NO _____________

Distribution:

YES ______________ NO _____________

Janet Jackson, “Let’s Wait Awhile”:

Copying:

YES ______________ NO _____________

Distribution:

YES ______________ NO _____________

Reba McEntire, “One Honest Heart”:

Copying:

YES ______________ NO _____________

Distribution:

YES ______________ NO _____________

Sheryl Crow, “Run, Baby, Run”:

Copying:

YES _____________ NO ____________

Distribution:

YES _____________ NO ____________

Vanessa Williams, “Save the Best for Last”:

Copying:

YES _____________ NO ____________

Distribution:

YES _____________ NO ____________

50. If you answered question (49) yes with respect to any part, then answer this question for that sound recording. Was defendant Jammie Thomas an innocent infringer of UMG Recordings, Inc.’s copyright in each of the following sound recordings? In other words, was she unaware and did she have no reason to believe that her acts as to which you answered yes in question (49) constituted copyright infringement?

Aerosmith, “Cryin’”:

YES _____________ NO ____________

Bryan Adams, “Somebody”:

YES _____________ NO ____________

Def Leppard, “Pour Some Sugar On Me”:

YES _____________ NO ____________

Guns N Roses, “November Rain”:

YES _____________ NO ____________

Guns N Roses, “Welcome to the Jungle”:

YES _____________ NO ____________

Janet Jackson, "Let's Wait Awhile":

YES ______________ NO _____________

Reba McEntire, "One Honest Heart":

YES ______________ NO _____________

Sheryl Crow, "Run, Baby, Run":

YES ______________ NO _____________

Vanessa Williams, "Save the Best for Last":

YES ______________ NO _____________

For each sound recording for which you answered this question yes, answer for that sound recording in question (52). For each sound recording for which you answered this question no, answer for that sound recording in question (51).

51. Was defendant Jammie Thomas a willful infringer of UMG Recordings, Inc.'s copyright in each of the following sound recordings? In other words, did she intentionally and deliberately intend to infringe UMG Recordings, Inc.'s copyright in each of the following sound recordings?

Aerosmith, "Cryin'":

YES ______________ NO _____________

Bryan Adams, "Somebody":

YES ______________ NO _____________

Def Leppard, "Pour Some Sugar On Me":

YES ______________ NO _____________

Guns N Roses, "November Rain":

YES ______________ NO _____________

Guns N Roses, "Welcome to the Jungle":

YES ______________ NO _____________

Janet Jackson, "Let's Wait Awhile":

YES _____________ NO ____________

Reba McEntire, "One Honest Heart":

YES _____________ NO ____________

Sheryl Crow, "Run, Baby, Run":

YES _____________ NO ____________

Vanessa Williams, "Save the Best for Last":

YES _____________ NO ____________

For each sound recording for which you answered this question yes, answer for that sound recording in question (53). For each sound recording for which you answered this question no, answer for that sound recording in question (54).

52. What total amount of statutory damages in dollars do you award plaintiff UMG Recordings, Inc. for the acts of infringement found by you in your answer to question (49) for each of UMG Recordings, Inc.'s copyrighted sound recordings?

Aerosmith, "Cryin'":

Amount of Damages _____________ ($200 - $30,000)

Bryan Adams, "Somebody":

Amount of Damages _____________ ($200 - $30,000)

Def Leppard, "Pour Some Sugar On Me":

Amount of Damages _____________ ($200 - $30,000)

Guns N Roses, "November Rain":

Amount of Damages _____________ ($200 - $30,000)

Guns N Roses, "Welcome to the Jungle":

Amount of Damages _____________ ($200 - $30,000)

Janet Jackson, "Let's Wait Awhile":

Amount of Damages _____________ ($200 - $30,000)

Reba McEntire, “One Honest Heart”:

Amount of Damages _____________ ($200 - $30,000)

Sheryl Crow, “Run, Baby, Run”:

Amount of Damages _____________ ($200 - $30,000)

Vanessa Williams, “Save the Best for Last”:

Amount of Damages _____________ ($200 - $30,000)

53. What total amount of statutory damages in dollars do you award plaintiff UMG Recordings, Inc. for the acts of infringement found by you in your answer to question (49) for each of UMG Recordings, Inc.’s copyrighted sound recordings?

Aerosmith, “Cryin’”:

Amount of Damages _____________ ($750 - $150,000)

Bryan Adams, “Somebody”:

Amount of Damages _____________ ($750 - $150,000)

Def Leppard, “Pour Some Sugar On Me”:

Amount of Damages _____________ ($750 - $150,000)

Guns N Roses, “November Rain”:

Amount of Damages _____________ ($750 - $150,000)

Guns N Roses, “Welcome to the Jungle”:

Amount of Damages _____________ ($750 - $150,000)

Janet Jackson, “Let’s Wait Awhile”:

Amount of Damages _____________ ($750 - $150,000)

Reba McEntire, “One Honest Heart”:

Amount of Damages _____________ ($750 - $150,000)

Sheryl Crow, “Run, Baby, Run”:

Amount of Damages _____________ ($750 - $150,000)

Vanessa Williams, “Save the Best for Last”:

Amount of Damages _____________ ($750 - $150,000)

54. What total amount of statutory damages in dollars do you award plaintiff UMG Recordings, Inc. for the acts of infringement found by you in your answer to question (49) for each of UMG Recordings, Inc.’s copyrighted sound recordings?

Aerosmith, “Cryin’”:

Amount of Damages _____________ ($750 - $30,000)

Bryan Adams, “Somebody”:

Amount of Damages _____________ ($750 - $30,000)

Def Leppard, “Pour Some Sugar On Me”:

Amount of Damages _____________ ($750 - $30,000)

Guns N Roses, “November Rain”:

Amount of Damages _____________ ($750 - $30,000)

Guns N Roses, “Welcome to the Jungle”:

Amount of Damages _____________ ($750 - $30,000)

Janet Jackson, “Let’s Wait Awhile”:

Amount of Damages _____________ ($750 - $30,000)

Reba McEntire, “One Honest Heart”:

Amount of Damages _____________ ($750 - $30,000)

Sheryl Crow, “Run, Baby, Run”:

Amount of Damages _____________ ($750 - $30,000)

Vanessa Williams, “Save the Best for Last”:

Amount of Damages ______________ ($750 - $30,000)